

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JUN 15 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN F. CASEY, LEWIS R. DOVE, LING LIU, JAMES R. DREHLE,
R. FREDERICK RAU, JR., & ROSEMARY O. JOHNSON

Application No. 10/600,600

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 14, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Section 1208 of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, August 2001) states:

APPEAL CONFERENCE

An appeal conference is mandatory in all cases in which an acceptable brief (MPEP § 1206) has been filed. . . .

. . . . If the examiner's answer does not contain the appropriate indication that an appeal conference has been held (i.e., including the names of the conferees and identifying themselves as the conferees along with their initials), the Board should return the application directly to the appropriate Technology Center (TC) Director for corrective action. . . . This procedure applies to all examiner's answers received by the Board on or after November 1, 2000.

The Examiner's Answer mailed March 16, 2005 is deficient in that there is no evidence that an appeal conference has been held.

In addition, on February 11, 2005, appellants filed a petition to correct inventorship. This petition has yet to be considered. Consideration of the petition, and a written response to appellants of said consideration is required.

Lastly, on September 29, 2004, appellants filed an amendment after final. In the advisory action mailed October 14, 2004, the examiner indicated that the amendment would be entered.

However, the amendment has not been entered. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for taking corrective action regarding the appeal conference;
2. consideration of the petition filed on February 11, 2005, including notifying appellants of said consideration;
3. entry of the amendment filed September 29, 2004 by using the ANE.I code in the electronic file wrapper; and
4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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By:



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